

REMARKS

In the Office Action, Claims 5-8 have been allowed, and Claims 3-4 and 11-12 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the rejected base claim and any intervening claims. At this time, Applicants are not submitting amendments to the objected-to claims, since Applicants believe that the rejected claims, Claims 1-2 and 9-10 are also allowable over the cited prior art.

Claims 1 and 9 have been rejected as unpatentable over the teachings of the Smith patent, and Claims 2 and 10 have been rejected as unpatentable over the combined teachings of the Smith and Li patents. For the reasons set forth below, Applicants respectfully assert that the claims are allowable.

The Smith patent is directed to a system which coordinates the retrieval of medical information to aid doctors in diagnosis and treatment. The Smith system includes a plurality of medical resources which are linked as "co-registered databases" 114 of Fig. 1. The types of data stored in the co-registered databases include text documents as well as two and three dimensional test results (e.g, MRI images, CT Scan images, etc.). When a doctor wishes to access information stored in the co-registered databases, the doctor inputs his/her patient data and sends it to

the server. The patient data may, also, be test or two or three dimensional data. What the server first does with the doctor's request is to look at the input patient data and select or scale a database template to the input patient data (see: Col. 5, lines 31-43) so that the patient data will "fit" with the retrieved data from the co-registered databases in order to facilitate analysis of the retrieved data. Once the template has been matched or scaled to the patient data, the template is mapped to co-registered data in the databases. The co-registered data which has been mapped to the template is then filtered (see: Col. 5, lines 53-60) by the search and filter engine. Thereafter, composite data is produced comprising the selected filtered data and the patient data.

Applicants respectfully assert that the Smith patent teachings do not teach or suggest the invention as set forth in Claims 1 and 9. The Smith patent does not perform "fuzzy", matching searches with iterative user query refinement, database transformation, and transformed database searching as is claimed. What is expressly claimed is a method and means for first searching a data based on a query, presenting retrieved data to a user, receiving user input, transforming the database based on the user input to generate a transformed database, successively searching the transformed database to retrieve data, and repeating the steps until the user query is satisfied. The Smith patent does only the first two steps of the process, 9.e., the

searching and presenting of search results to a user. While Smith does these two steps with additional refinement (i.e., using its template system to align the scale of the patient data to the scale of the template which is used to retrieve stored data for the searching step, and producing composite data comprised of patient data and retrieved data for the presenting step), nonetheless the Smith patent only teaches searching and presenting. The Smith patent provides no teachings or suggestions of the server accepting user input for query refinement; of transforming its database; of searching a transformed database; or, of iteratively repeating the steps until a user query is satisfied.

With regard to user input, the Examiner points to the teachings of the Smith patent found in Col. 15, lines 55-60. The cited passage consists of claim language which recites only requesting data from a server as part of the initial query. There is nothing in Smith which teaches or suggests that the user evaluate retrieved data and refine the query for additional searching. The pending claim language, however, clearly recites post-retrieval user input to be used to transform the database for successive searching. Smith neither teaches nor suggests such post-retrieval user input.

Next the Examiner states that the Smith patent teaches transforming the database and cites Col. 10, lines 55-67. The cited lines describe the Smith searching as discussed above.

There are no teachings regarding transforming the database in any way. The deforming of the template is not a transforming of the database, it is simply a scaling of the parameters of the template to allow easy correlation of the patient data to the retrieved data (see: Col. 4, lines 5-11 and Col. 5, lines 31-43). After deformation (if such is even necessary), the template is used to map the co-registered data to the patient data (i.e., to perform the search). Clearly, there is no transforming of the co-registered databases.


Finally, the Examiner states that the successive searching of the transformed database would be obvious to one of ordinary skill in the art. Applicants respectfully disagree. Since Smith provides no mechanism for user input to the query processing after the initial request, it cannot be concluded that successive searching would be conducted. Moreover, successive searching would be counterproductive in the Smith system since Smith provides no additional user input and no change to the database. Applicants contend that the language is not suggested by Smith and that a conclusion of obviousness simply cannot be maintained.

In conclusion, Applicants respectfully assert that, absent some teaching of receiving post-retrieval input, transforming the database, searching the transformed database, and iteratively repeating same, it cannot be maintained that the Smith patent renders the claim language obvious. Accordingly, Applicants request that the rejections of Claims 1 and 9 be withdrawn.

With regard to the rejections of Claims 2 and 10, Applicants remind the Examiner that a Declaration of Prior Invention (37 CFR 1.131) was submitted with the Amendment filed on February 21, 2002. The Declaration established completion of the invention in the United States at a date prior to the effective date of the Li patent, as well as prior to the effective date of the previously-cited Graefe patent. Accordingly, since the Li patent has been removed as a reference, Applicants believe that the Examiner should withdraw the rejections of Claims 2 and 10 which rely on the teachings of the Li patent. Applicants also note that the Examiner's comments regarding allowable subject matter, found on page 5 and 6 of the Office Action, should not reference the Graefe patent as relevant prior art.

Based on the foregoing remarks and the earlier-submitted Declaration, Applicants respectfully request withdrawal of the rejections, and issuance of the pending claims.

Respectfully submitted,
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